

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS  
CENTRAL DIVISION

UNITED STATES OF AMERICA,	)	Case No. 4:17-cv-40011-TSH
	)	
Plaintiff,	)	Judge Timothy S. Hillman
	)	
v.	)	
	)	
DAVID L. TOPPIN,	)	
JENNIFER TOPPIN,	)	
DEUTSCHE BANK NATIONAL TRUST	)	
COMPANY, as Trustee for RESIDENTIAL	)	
ASSET SECURITIZATION TRUST Series	)	
2013-A14, MORTGAGE PASS-THROUGH	)	
CERTIFICATES Series 2003-N,	)	
UPS CAPITAL BUSINESS CREDIT f/k/a	)	
FIRST INTERNATIONAL BANK,	)	
COMMONWEALTH OF	)	
MASSACHUSETTS,	)	
TOWN OF HOLDEN,	)	
TOWN OF AMHERST, and	)	
TOWN OF GARDNER,	)	
	)	
Defendants.	)	
	)	

**MEMORANDUM OF *LIS PENDENS***

TO WHOM IT MAY CONCERN:

PLEASE TAKE NOTICE that on February 3, 2017, the plaintiff United States of America commenced an action in the United States District Court for the District of Massachusetts against the defendants, David L. Toppin, Jennifer Toppin, UPS Capital Business Credit, formerly known as First International Bank, the Commonwealth of Massachusetts, and the Town of Gardner, Massachusetts, to enforce its liens that attached to a certain parcel of real property, and to sell the subject property free and clear of the rights, titles, claims, liens, and interests of all parties to the action. Specifically, the action is related to the parcel of real property located at 4 LaChance Street, Gardner, Massachusetts 01440, record title of which was

conveyed by Peter J. Sabettini and Marie J. Sabettini, to Jennifer Toppin, through a properly executed and delivered Quitclaim Deed dated August 8, 2003, and recorded on August 21, 2003, in the records of the Worcester District Registry of Deeds, at Book 31332, Page 160, and which property is more particularly described as:

A certain parcel of land situated on the easterly side of Linus Allain Avenue and the northeasterly side of LaChance Street, in the southeasterly part of Gardner, Worcester County, Massachusetts, bounded and described as follows, to wit:

Beginning at the northwesterly corner thereof, at a point in the easterly line of Linus Allain Avenue, at a corner of other land now and formerly of the Gardner Redevelopment Authority, and being the remaining portion of what is known as Lot "12," said point also being located 98.49 feet southerly along said road line from a corner of Lot "13";

THENCE S.  $86^{\circ} 03' 35.76''$  E. by said remaining portion of Lot "12" a distance of 424.54 feet to the northwesterly side of an Easement Area;

THENCE S.  $23^{\circ} 44' 25''$  W., 143.25 feet;

THENCE S.  $29^{\circ} 07' 37''$  W., 395.43 feet to a point in the northeasterly line of LaChance Street, the preceding two courses being by said Easement Area and the preceding three courses being by land now and formerly of the Gardner Redevelopment Authority,

THENCE northwesterly by a curve to the right, having a radius of 400.00 feet, a distance of 93.15 feet to a point of tangency;

THENCE N.  $38^{\circ} 51' 55''$  W., 139.03 feet to a point of curvature of a curve that rounds the easterly intersection of LaChance Street and Linus Allain Avenue, the preceding two courses being by the said line of LaChance Street;

THENCE northwesterly and northerly by a curve to the right having a radius of 160.0 feet, by said intersection a distance of 119.54 feet to a point of tangency in the easterly line of Linus Allain Avenue;

THENCE N.  $3^{\circ} 56' 24.24''$  E. by said road line 221.51 feet to a corner of the remaining portion of the aforementioned Lot "12" and the point of beginning. Containing 137,538 Square Feet or 3.157 Acres.

Being shown as "Revised Lot" "12" on a plan entitled: "Compiled Plan of Land prepared for P&S Realty Trust, Gardner, Massachusetts, Scale: 1 inch= 100

feet—August 20, 1984, Michael S. Szoc—R.L. Surveyor, 32 Pleasant Street, Gardner, MA 01440” recorded in Plan Book 526, Plan 23.

Being the same premises conveyed to the within Grantors by deed of The Gardner Redevelopment Authority, dated September 27, 1984 and recorded in the Worcester District Registry of Deeds in Book 8416, Page 338.

This memorandum is based upon the declaration of Jeffrey N. Nunez and the *Plaintiff United States of America’s Motion for Approval of Memorandum of Lis Pendens* (Dkt. No. 14), which were submitted in accordance with Mass. Gen. Laws ch. 184, § 15(b).

Dated: April 24, 2017

Respectfully submitted,

DAVID A. HUBBERT  
Acting Assistant Attorney General  
U.S. Department of Justice, Tax Division

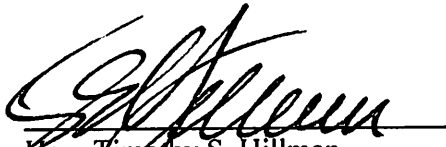
/s/ Jeffrey N. Nunez  
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Finding and Order of Approval of Memorandum of Lis Pendens

This cause came to be heard after notice and opportunity to be heard, upon motion for approval of a Memorandum of *Lis Pendens*, and upon consideration thereof, the Court hereby finds that the subject matter of the action in the above-captioned action constitutes a claim of right to title to real property or the use and occupation thereof or the building thereon.

Whereupon the Court hereby approves the above Memorandum of *Lis Pendens*.

SO ORDERED AND ENDORSED:



Hon. Timothy S. Hillman,  
United States District Judge –  
District of Massachusetts

5/18, 2017